

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NASA MACHINE TOOLS, INC.,

Plaintiff,

v.

**FAMA TECHNOLOGY INC., PROCUT
TECHNOLOGIES, LLC, and FARZAD
AHMADPOUR,**

Defendants.

Civil Action No. 18-2872

ORDER

THIS MATTER comes before the Court on Defendants FAMA Technology Inc. (“FAMA”), Procut Technologies, LLC (“Procut”), and Farzad Ahmadpour’s (“Ahmadpour” or, when referenced collectively with FAMA and Procut, “Defendants”) Motion to Dismiss, ECF No. 5, Plaintiff Nasa Machine Tools, Inc.’s (“Plaintiff”) Complaint, ECF No. 1, pursuant to Federal Rules of Civil Procedure 12(b)(2), 12(b)(3), 12(b)(6), and 9(b), or, in the alternative, to transfer venue to the Northern District of Illinois pursuant to 28 U.S.C. § 1404, and on Plaintiff’s Motion to Strike, ECF No. 20, Defendant’s Replacement Reply, ECF No. 17, pursuant to Federal Rule of Civil Procedure 12(f), or, in the alternative, for leave to file a sur-reply;

and it appearing that Plaintiff opposes Defendants’ Motion to Dismiss, ECF No. 12;

and it appearing that on October 22, 2018, the Court held oral argument on the Motion;

and for the reasons stated on the record on that date;

IT IS on this 22nd day of October, 2018;

ORDERED that Defendants’ Motion to Dismiss is hereby **DENIED**; and it is further

ORDERED that Plaintiff shall re-plead Counts One and Seven with the requisite level of specificity within fourteen days from the date of this Order, and Defendants shall answer within fourteen days thereafter; and it is further

ORDERED that Plaintiff's Motion to Strike is hereby **DENIED** as moot.

/s Madeline Cox Arleo

Hon. Madeline Cox Arleo
United States District Judge